

U.S. Department of Agriculture (USDA)
Questions and Answers Regarding Flexibility for Whole Grain-Rich Pasta
in School Years 2014-15 and 2015-16

September 30, 2014

1. Who may submit a pasta flexibility request?

A school food authority (SFA) may submit a pasta flexibility request to the state agency if it can demonstrate challenges in preparing and serving whole grain-rich pasta products for previously offered enriched pasta menu items. The request should include which previously offered enriched pasta menu items they would like to offer temporarily.

2. Does this pasta flexibility exempt an SFA from offering other whole grain-rich foods?

No. SFAs remain responsible for incorporating whole grain-rich products into school menus to meet meal pattern requirements. Examples of whole grain-rich foods that a school authorized to use this flexibility may continue to offer include: whole-wheat bread products, whole-wheat tortillas, and brown rice.

3. How would the enriched pasta offered under this flexibility count toward the meal pattern requirements?

The servings of enriched pasta would count toward the required grains component (e.g., 8-9 ounce equivalents per week for grades K-5) in the National School Lunch Program (NSLP), but the whole grain-rich requirement would continue to apply for other grains. Other grain items contributing to meal pattern requirements (such as rice, pizza crust, breads and rolls, and hamburger buns) need to contain at least 50 percent whole-grain with remaining grain ingredients being enriched.

4. What documentation must a SFA submit to the state agency to request the pasta flexibility?

The SFA may submit any menu planning, production/preparation records, and pictures with additional information as documentation that may assist in the determination of the flexibility request. Documentation must demonstrate that when cooking or offering a whole grain-rich version of a previously popular pasta item, the whole grain-rich pasta did not hold well on the serving line or was not accepted by students.

Example: A SFA may supply production records that show significant decreases in students selecting whole grain-rich pasta versus enriched pasta. For example, lasagna made with enriched noodles was a popular menu item selected by about 50% of students. When lasagna with whole grain-rich noodles was introduced, students complained and lasagna selection decreased, fewer than 10% of students selected the lasagna. Such records would be an acceptable form of documentation.

5. Does approval of the temporary pasta flexibility remove the SFA's responsibility to seek other acceptable whole grain-rich pasta products?

No. SFAs are expected to actively collaborate with the state agency to identify, evaluate, and incorporate acceptable whole grain-rich pasta products into the school menu as soon as possible. The state agency must provide technical assistance to the SFA to help overcome temporary challenges.

Questions and Answers Regarding Flexibility for Whole Grain-Rich Pasta, continued

6. Will the USDA Food and Nutrition Service (FNS) issue a sample flexibility request form or establish a recommended approval process?

FNS does not intend to issue a flexibility request form or require state agencies to follow a specific template. However, all flexibility requests must be clearly documented and maintained on file in a way that allows a reviewer to understand why enriched pasta is counted toward the grains component in a reimbursable meal.

7. Do state agencies need to approve flexibility requests within a specified time frame?

State agencies are strongly encouraged to review the SFA documentation and notify the SFA of the flexibility determination as soon as possible. States must also ensure that all necessary documentation is available in the event of an administrative review.

8. Are state agencies able to issue a blanket flexibility approval for all SFAs?

No. State agencies may not issue a blanket flexibility approval for all SFAs. Flexibility requests are expected to be approved on a case-by-case basis according to the needs of each SFA.

9. May state agencies include the pasta flexibility as an option in their annual renewal agreement with an SFA?

No. Flexibility requests must be approved on a case-by-case basis according to the needs of each SFA.

10. Should state agencies issue all flexibility approvals for a two-year period?

State agencies may approve a SFA's flexibility request for up to two years (not to exceed school year 2015-16, as established in [memorandum SP 47-2014](#)) and during this time the state agency is expected to communicate periodically with the SFA to identify, evaluate, and incorporate other acceptable whole grain-rich pasta products and/or preparation methods. For example, states may help SFAs share information about new or existing whole grain-rich pasta products that are popular with students, or disseminate best practices or the successful experience of a particular SFA/school.

11. Will SFAs that have been approved to offer enriched pasta be considered compliant with the whole grain-rich requirement during the administrative review or a performance-based certification review?

SFAs must offer the amount of grains specified in the meal pattern. If the SFA receives approval to serve enriched pasta, such food items would count toward the grains requirement and the SFA would not have to make up for the portion of enriched grains. State agencies would consider the SFA compliant with the whole grain-rich requirement if the FNS-developed or FNS-approved Certification Tool, and the menu planning and production records indicate that other grains offered in the school menu meet the whole grain-rich criteria.

Questions and Answers Regarding Flexibility for Whole Grain-Rich Pasta, continued

12. May a State agency require a SFA to sign a statement certifying that it has documentation to support to flexibility request and review such documentation later during an administrative review?

No. The state agency must examine the supporting documentation prior to approving a flexibility request. This is necessary because only a portion of SFAs are scheduled to be reviewed in school years 2014-15 and 2015-16. Furthermore, the SFA must maintain the flexibility request approval and supporting documentation on file.

13. Is approval of a temporary pasta flexibility request a reason to renegotiate a procurement contract?

The creation of a material change to a contract depends on the SFA's initial solicitation document and the resulting contract during the procurement process. State agencies and/or SFAs must review existing contracts to make a determination as to whether a material change has occurred. State agencies and SFAs should ask the following questions to help determine if the change constitutes a material change to the contract:

- If there will be an increase or decrease in the cost of the contract, will the change in cost cause bidders to respond differently if the prospective change had existed at the time of the solicitation and evaluation phase of the procurement process?
- Will the prospective change materially affect the scope of services, type and volume of products, etc., in both the solicitation document and resulting contract? For example, will the change in the planned menu require the SFA to change product specifications, eliminate products to add new products to the existing solicitation and contract, or increase the volume of existing whole grain-rich products?